

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, February 23, 2006

PRESENT: Commissioners Bob Roos, Bruce Gibson, Penny Rappa, Sarah Christie,
and Chairman Eugene Mehlschau.

ABSENT: None

RESOLUTION NO. 2006-012
RESOLUTION RELATIVE TO THE GRANTING
OF A TENTATIVE TRACT MAP

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 23rd day of February, 2006, grant a Tentative Tract Map to **MIDLAND PACIFIC BUILDING CORPORATION** for the tentative tract map (Tract 2633) to subdivide one 24.43-acre parcel into 44 lots between 10,000 to 15,000 square feet in size and four open space parcels 0.2, 1.9, 2.9, and 4.8 acres in size. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping. The project site is located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, in the community of San Miguel, in the Salinas River Planning Area. County File No: SUB2003-00271. Assessor Parcel Number 021-371-001. Supervisorial District 1.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 23rd day of February, 2006, does hereby grant the aforesaid Permit, SUB2003-00271.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance.

On motion of Commissioner Roos, seconded by Commissioner Rappa, and on the following roll call vote, to-wit:

AYES: Commissioners Roos, Rappa, and Chairman Mehlschau

NOES: Commissioners Christie, and Gibson

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Eugene Mehlschau
Chairman of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary Pro Tem, Planning Commission

ATTACHMENT 2
FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 5, 2005 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, public services, recreation, transportation/circulation, wastewater, water and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support the proposed single family residential parcels within visual and noise buffer areas, outside a natural drainage way and below steep slopes.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the San Joaquin kit fox is the only sensitive species identified on the site, and the project will contribute to the purchase of land for conservation of the kit fox species.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2633

Approved Project

1. Proposal by Midland Pacific Building Corporation for the subdivision of one 24.43-acre parcel into 44 lots between 10,000 to 15,000 square feet in size and four open space parcels 0.2, 1.9, 2.9, and 4.8 acres in size. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. On-site roads constructed to an A-2 section within a 50-foot dedicated right-of-way.
 - b. Cemetery Road widened to complete the project side of an A-1(d) section, to comprise a minimum total paved street width of 32 feet, fronting the property, including a meandering pedestrian path which complies with the requirements of the Americans with Disabilities Act (ADA). If the pedestrian path extends beyond dedicated public right-of-way, it may be contained in a public pedestrian easement.
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A minimum 20-foot radius property line return at the intersection of all streets.
5. The intersection of on-site streets and Cemetery Road shall be designed in accordance with California Highway Design Manual, Figure 405.7.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.

- f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with an existing oak tree between lots 26 and 27 and the required improvement for the land division, to be approved jointly with the Department of Planning and Building.
 - h. Street trees as required by Title 21, Section 21.03.010c(7) shall be shown in the landscaping plan, consistent with landscaping guidance in the conditions.
 - i. Streetlighting plan in accordance with these Conditions of Approval, including but not limited to streetlights at the intersection of on-site streets and Cemetery Road and on on-site streets. Pedestrian safety or bollard lights shall also be included if proposed on any paths, parks or open space.
8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
- a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

11. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
12. Prior to map recordation,
- a. Submit complete drainage calculations to the Department of Public Works for review and approval.
 - b. Submit grading and drainage plans, with storm water calculations for a 100-year flood event, to the California Department of Transportation (Caltrans) for review and approval.
13. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
14. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

15. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

16. Electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.
18. Gas lines shall be installed.

Design

19. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Parks and Recreation (Quimby) Fees

20. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

21. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

22. Prior to filing the final map, an open space easement be recorded for the open space parcel(s). It is to be held in common by the Homeowner's Association. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

23. If a drainage basin is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include landscaping for erosion control.
24. All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 60 days of completion of the improvements.

Mitigations

AESTHETICS

- 25. Prior to approval of the improvement plans, the applicant shall submit revised grading and drainage plans to the Department of Planning and Building and County Public Works for review and approval showing the following:**
- a.** The finished building pad for each residential structure shall be constructed below an elevation calculated to be the average of the highest natural elevation and the lowest natural elevation (the existing average natural elevation) on lots 1 - 6, 11 and 16 - 23 (except within scenic landscape easement areas, which shall not be excavated other than for slope contouring); at or lower than the average natural elevation on lots 26 - 31; and no more than three feet above average natural elevation where necessary on lots 7 - 10, 12 - 15, and 32 - 44 (listed numbers are inclusive). Scenic landscape easement areas on lots 1 - 6 and 23 - 26 shall not be graded below natural grade. Grading cuts shall be located within individual lots to the extent possible.
 - b.** All cut and fill slopes shall include slope-rounding to reduce the transition between adjacent slope-angles and so the slopes appear as naturally occurring landforms to the greatest extent possible.
 - c.** Earthen berms along the entire length of the landscape buffers on the southern, eastern and the northern perimeters of the project. The berms shall be contour graded to appear as a natural landform to the greatest extent possible, with varying degrees of slope, between 2:1 and 4:1 (horizontal:vertical). The berms on the eastern border of the site shall be a minimum of 8 feet tall, and berms on the southern and northern borders shall be 4 to 5 feet tall minimum.
 - d.** Storm water detention basins shall be reconfigured if necessary to accommodate the earthen berms.
 - e.** Notes that topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to any cut slopes and to the earthen berms.
 - f.** Retention of native chaparral and shrubs where feasible to assist in screening, by avoiding grading or berming.
 - g.** A slope revegetation and erosion control plan. The slope revegetation and erosion control plan shall be prepared by a qualified erosion control and revegetation expert approved by the County. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix including grass species found on the adjacent hillsides.
- 26. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:**
- a. Prior to application for building permits, applicant shall submit architectural plans and elevations of all proposed structures to the Department of Planning and Building for review and approval. The plans and elevations shall show forms, dimensions, exterior finish materials, and colors as follows:**
 - (1)** The maximum height of all residential structures shall not exceed 20 feet above finished pad elevation;

- (2) The residential structures shall use hipped-roof forms, except that gable roof ends may be utilized as secondary accent or entry features where their eave lines shall be no higher than two feet above the primary roof eave, their peak shall be no higher than 14 feet and be below the primary roof ridgeline in elevation view. The pitch of gable roofs shall be at or below 4:12.
 - (3) Exterior colors of all structures, including the residence, retaining walls and other walls shall be limited to muted darker earth tones no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building, and;
 - (4) Roof colors shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Red, terra cotta and orange colors shall not be used. Glossy roofing material shall not be used.
 - (5) Proposed selection of residential exterior lights that will not produce direct views of the light source from off-site public roads and meet the criteria of Land Use Ordinance Section 22.10.060, for inclusion within the CC&Rs as preferred types of lights along with examples of discouraged or prohibited lights as information to future homeowners.
- b. That secondary dwellings shall not be allowed on all lots within the subdivision.
 - c. That street side yard setbacks shall be maintained by individual lot owners in landscaping and remain unfenced except by open fencing no higher than 3 feet in height, consistent with Land Use Ordinance Section 22.10.080C.
 - d. **Prior to sale of any lot**, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance.
 - e. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - f. An agricultural buffer prohibiting residential structures, consisting of 50 feet over lot 6 measured from the rear property line, shall be shown on the additional map sheet. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - g. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - h. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - (1) Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - (2) In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
 - i. **Prior to issuance of construction permits**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State

Water Resources Control Board (SWRCB). The plan shall be implemented prior to and during proposed grading and construction activities.

- 27. Prior to recordation of the final map,** the applicant shall submit a landscape and irrigation plan for the front landscape area and north and south side scenic landscape easements, and interior screening trees, to include:
- a. Native, drought-tolerant plants and trees selected for their year-round screening capabilities.
 - b. Plant selection and design that presents a classic, early California landscape rather than modern, ornamental or Mediterranean designs.
 - c. Minimum 24-inch box container size for all screen trees in scenic landscape areas, street trees and screening yard trees.
 - d. Trees and large-growing shrubs that provide 50 percent screening of structures within five years of initial planting and 80 percent screening of structures within 10 years of planting.
 - e. Planting design that forms clusters and diagonal screens of views from north and southbound traffic on Highway 101 and Cemetery Road, explicitly for screening of residential structures, fences and walls.
 - f. Design and location of yard fences or walls located within the front, north and south scenic landscape areas such that they are screened from view of Highway 101 and Cemetery Road, or are designed with open wire, rural character.
 - g. No irrigated turf or ornamental ground covers shall be used within landscape buffer areas.
 - h. Street trees to be species from the scenic landscape plan, rather than ornamental trees, to provide interior screening within the tract.
 - i. Yard trees within lots 7 – 10, 12 – 15, 32 – 44 for supplemental screening of structures where pad elevations are at grade or above.
 - j. Creek natural area landscaping, including riparian trees such as Live oak, Sycamore and Willow, to provide visual definition of the corridor, shading and wildlife value.
 - k. Retention of native trees that are greater than two inches caliper where feasible.
 - l. Walkways to be of durable permeable material, except the front walkway parallel to Cemetery Road shall be six feet wide and of material to achieve ADA compliance, and shall be routed northeasterly to within eight feet of the Cemetery Road right-of-way.
- 28. Prior to recordation of the final map,** the screen planting and tract improvement areas of the landscape plan (identified in no. 27) shall be implemented (installed) or bonded for, and the applicant shall provide a letter to the County of San Luis Obispo Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area, with responsibility transferred to the Home Owners Association once the applicant is no longer a majority interest in the HOA. This arrangement is to be stated in the CC&Rs.
- a. All trees (existing, planted, and transplanted) within the screen planting area shall be maintained until fully established and shall provide 50 percent screening of structures within five years of initial planting, 80 percent screening of structures within 10 years of planting as determined by the contracted landscape professional.
 - b. Trees within the screen planting area that die shall be replaced.
 - c. If 100 percent of landscape screening is not maintained and growing, accounting for standard plant replacement factor of approximately 25 percent, within one

year of tract improvement approval, the County shall withhold occupancy permits and final inspection of residences.

- d. The monitoring contract shall include funding by the applicant and, upon transfer, the Home Owners Association, to pay for the monitor to conduct at a minimum an annual site visit and assessment of the planting success for either; ten years or attainment of 80% screening, whichever comes first, and provide an annual monitoring report.
 - e. The report shall be submitted annually to the Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment and maintenance of the planting.
29. **Prior to recordation of the final subdivision map**, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval showing the following:
- a. The maximum height of street light standards shall be twelve feet above ground;
 - b. Direct views of all exterior lighting sources including street lights shall be shielded from view from off-site public roads;
 - c. Lights shall be designed and constructed to reduce illumination of the hillside west of the project, and;
 - d. Illumination levels of street lights shall be the minimum required by public safety policy and ordinances as demonstrated by a photometrics analysis.
30. **Prior to final tract inspection**, the approved lighting plan shall be installed and tested for consistency with the required performance.

AIR QUALITY

31. **Prior to approval of improvement plans**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
32. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures:
- a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;

- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.
33. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
34. **Prior to approval of improvement plans**, the following notes shall be shown on construction plans, and shall be implemented during construction:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); and,
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.
35. Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

BIOLOGICAL RESOURCES

36. **Prior to recordation of the final map**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 58 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and

monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$145,000. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 58 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 58 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United

States Fish and Wildlife Service and/or California Department of Fish and Game;
and

- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not allow for or imply public access.

37. **Prior to approval of improvement plans**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
38. **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 15 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**, to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
39. **Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
40. **To prevent entrapment of the San Joaquin kit fox during the construction phase of the project**, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

41. **During the construction**, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
42. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
43. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
44. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
45. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
 - a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet
 - b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
 - b. If any known or potential San Joaquin kit fox dens are discovered within the building envelope that shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.
46. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to

report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

47. Prior to final inspection, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
48. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
49. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94559
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

50. **Prior to any site disturbance,** the applicant shall retain a County-qualified biologist to conduct a preconstruction survey for burrowing owl. The survey shall be conducted within 30-days prior to site disturbance. Results of the survey shall be documented in a report and shall include the date of the survey, methods of inspection, and findings. The report shall be submitted to the County Division of Environmental and Resource Management and the California Department of Fish and Game (CDFG). If no burrowing owls are found to occupy the site at that time, no further measures would be necessary.

If burrowing owls are found within the project site, the CDFG shall be immediately contacted and all measures identified by CDFG and recommended by the retained biologist shall be implemented. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies that either: 1) birds have not begun egg-laying and incubation or 2) that juveniles from the occupied burrows are foraging independently and capable of independent survival. This measure, as well as additional measures required by CDFG for avoiding and mitigating burrow disturbance, shall be implemented if burrowing owls are found on site during the survey.

51. **Prior to grading and construction**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
52. **Prior to approval of improvement plans**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
53. **Prior to approval of improvement plans**, the applicant shall consult with the California Department of Fish and Game (CDFG) to determine if a Streambed Alteration Permit is necessary for construction of the proposed road within the natural flow path leading into the drainage. The applicant shall submit a copy of the permit or documentation from CDFG stating that a permit is not necessary prior to disturbance within the drainage path.

CULTURAL RESOURCES

54. **With submittal of tract improvement plans**, the applicant shall submit a monitoring plan prepared by a qualified historic archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
55. **Prior to issuance of the grading permit and grubbing or ground disturbance**, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

56. **Upon completion of all monitoring/mitigation activities, prior to recordation of the map,** whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

NOISE

57. **Prior to final inspection of tract improvements,** the applicant shall construct the approved 8-foot tall earthen berm as close as possible to the eastern perimeter of Lots 1, 11, and 16 through 23 for maximum attenuation. The berm shall be fully landscaped to minimize erosion and ensure long-term stability.

TRANSPORTATION AND CIRCULATION

58. **Prior to recordation of the final map,** the applicant shall submit revised plans showing the following:
- a. Right and left turn lanes at the main exit.
 - b. A 40-foot by 40-foot sight triangle free of signs, vegetation, and fences over 32 inches in height at both entrance and exit locations.
 - a. Lighting at both entrance and exit locations.

WASTEWATER/WATER

59. **Prior to recordation of final map,** the applicant shall obtain a final will-serve letter for water and sewage service from the San Miguel Community Services District.
60. **Prior to recordation of final map,** the applicant shall construct water and sewer improvements built to each parcel or shall post a monetary bond to perform the work at a later date.

Covenants, Conditions and Restrictions

61. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval, establishing a Homeowners Association with responsibilities for upholding the CC&Rs and other relevant tract Conditions of Approval. The CC&R's shall provide at a minimum the following provisions in a separate section that highlights allowable uses, desired and prohibited alterations to the approved tract improvement plans, architecture and site features:
- a. On-going maintenance of drainage basin in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of landscaping and street trees in open space and common areas incorporating and in compliance with Conditions of Approval 25, 27 and 28 on an on-going basis.
 - c. Maintenance of building design, colors and uses to continue to be in compliance with Condition of Approval 25 on an on-going basis.
 - d. Maintenance of exterior lighting in accordance with Conditions of Approval 26a(5) and 29b, to avoid direct views of all exterior lighting sources including street lights and residential lights by placement and shielding from off-site public roads.

- e. That street side yard setbacks shall be maintained by individual lot owners in landscaping and remain unfenced except by open fencing no higher than 3 feet in height, consistent with Land Use Ordinance Section 22.10.080C.
- f. That lot owners shall obtain approval of the Homeowners Association for any architectural changes, or within the front yard, any landscaping, fencing, or other changes from the tract improvements.
- g. Operation and maintenance of all street lights, signage and facilities controlled by the association.
- h. Maintenance of common areas in well-kept, presentable condition.
- i. Secondary dwellings shall not be allowed.
- j. Notification to prospective buyers that Commercial Retail zoning exists on the 20-acre adjacent property to the north.
- k. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- l. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- m. Maintenance of all local streets within the subdivision until acceptance by a public agency.

Miscellaneous

- 62. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 63. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 64. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by James Lopes, AICP
and reviewed by Kami Griffin